



July 18, 2006

**SUBJECT:** **2006-0357 – BARK Kennel & Boarding** [Applicant] **August M Jr. and Linda J Hagemann Trustee**[Owner]: Application located at **180 North Wolfe Road** (near Central Expwy) in an M-S (Industrial & Service) Zoning District.

Motion Appeal of a decision made by the Planning Commission approving a Use Permit on a 32,300 square foot site to allow long-term boarding and daycare services for up to 335 dogs and 50 cats and including ancillary retail services.

**REPORT IN BRIEF**

**Existing Site Conditions** Two Industrial Buildings on One Lot

**Surrounding Land Uses**

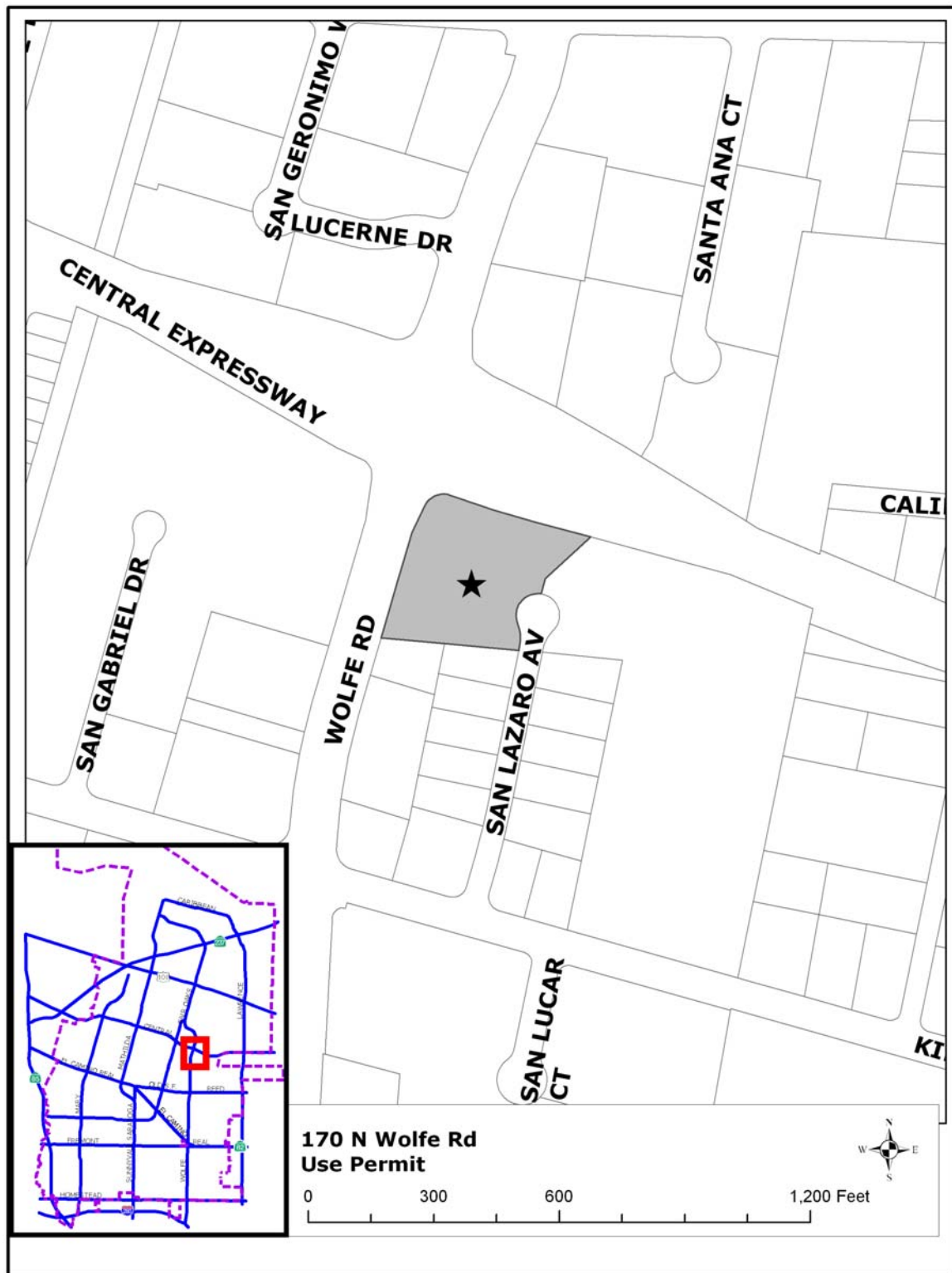
North	Central Expressway
South	Industrial
East	Industrial
West	Industrial

**Issues** Compatibility with surrounding industrial uses.

**Environmental Status** A Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

**Planning Commission decision** Approved with conditions

**Staff Recommendation** Uphold the decision of the Planning Commission to approve with conditions



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Industry	Same	Industry
<b>Zoning District</b>	M-S Industrial and Service	Same	M-S Industrial and Service
<b>Lot Size (s.f.)</b>	112,385	Same	22,500 min.
<b>Gross Floor Area (s.f.)</b>	Project building 32,280  Second building on site  15,700  <b>Total 47,980</b>	Same	39,334 max.
<b>Gross Floor Area of Tenant</b>	N/A	N/A	32,280
<b>Lot Coverage (%)</b>	43%	Same	35% max.
<b>Floor Area Ratio (FAR)</b>	43%	Same	35% max. without PC review
<b>No. of Buildings On-Site</b>	2	Same	N/A
<b>Distance Between Buildings</b>	45	Same	20 min.
<b>Building Height (ft.)</b>	24	Same	75 max.
<b>No. of Stories</b>	2	Same	8 max.
<b>Setbacks (Facing Property)</b>			
<b>Front (ft.)</b>	60	25	25 min.
<b>Left Side (ft.)</b>	64	Same	0 min. Total 20 Both sides
<b>Right Side (ft.)</b>	10 (on second building)	Same	0 min. Total 20 Both sides
<b>Rear (ft.)</b>	10	Same	0 min.
<b>Landscaping (sq. ft.)</b>			
<b>Total Landscaping</b>	14,460	Same	22,477 min.

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
<b>Frontage Width (ft.)</b>	15	Same	15 min.
<b>% Based on Lot Area</b>	20%	Same	20% min
<b>% Based on Floor Area</b>	47%	Same	10% min.
<b>% Based on Parking Lot</b>	25%	Same	20% min.
<b>Parking Lot Area Shading (%)</b>	0	Same	50% min. in 15 years
<b>Parking</b>			
<b>Total Spaces</b>	Project building 100  Second building on site 32  <b>Total 132</b>	Same	102 min.
<b>Standard Spaces</b>	132	Same	N/A
<b>Compact Spaces/ % of Total</b>	0	Same	16 max.
<b>Aisle Width (ft.)</b>	24	Same	26 min.
<b>Bicycle Parking</b>	0	Same	2 Class I (calculated for office/retail portion of proposed use).
<b>Stormwater</b>			
<b>Impervious Surface Area (s.f.)</b>	89,900	Same	N/A (applicant is not disturbing 10,000 s.f.)
<b>Impervious Surface (%)</b>	80%	Same	N/A



Starred items indicate deviations from Sunnyvale Municipal Code requirements.

**ANALYSIS**

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**Description of Proposed Project**

The applicant proposes to operate a pet kennel for up to 335 dogs and 50 cats including some ancillary office space and retail space. The project would be conducted in an existing industrial building. The project includes minor modifications to the building exterior.

**Background**

**Previous Actions on the Site:** A Planning Commission hearing was held for the proposed project on May 22, 2006. The Planning Commission approved the proposed kennel, with modified conditions addressing the need for additional large trees and additional parking lot shading. The Commission also added a condition of approval requiring the applicant to design additional open space for the dogs on the project site. The project was approved by the Planning Commission by a 4-1 vote.

The Planning Commission decision has been appealed by a neighboring business owner. The appeal letter, dated June 5, 2006, is located in Attachment I. The appellant opposes the uses due to concerns with noise, odor, traffic and potential general nuisance.

**Environmental Review**

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment C, Initial Study). A noise study was completed by the applicant and is provided in Attachment K.

**Use Permit**

**Use:** The proposed use is to provide 385 animal kennels to the public. The project is located in an industrial area and surrounded by industrial and service uses. Dogs and cats could be on the premises for extended periods of time including night time boarding. The facility would also include area for offices, animal grooming and playing and a small retail area.

**Site Layout:** The site is developed. There are two industrial buildings located on the site. The buildings are located in the middle of the site and meet

required setbacks. Parking is provided in front of and between the two buildings as well as along the north property line.

Access to the project site is provided off of Wolfe Road by two driveways and off of San Lazaro Avenue by three driveways located in the cul de sac.

*Stormwater Management:* The project will not disturb 10,000 square feet of impervious surface or create any addition impervious surfaces on site. Stormwater management requirements do not apply to this project.

**Architecture:** The project building is existing. It is a tilt-up style industrial building of primarily concrete elevations with a detail of diagonal weathered wood siding on panels around the upper portion of the building. The applicant does not propose to modify the building except to add a drive-under canopy at the front entrance. The canopy would be approximately 17' 9" in height and 24' wide. It would extend 36' from the front elevation of the building towards Wolfe Road. The required 25 foot front yard setback would be met. The purpose of the canopy is to emphasize the front entrance of the kennel. It would be designed with substantial wood posts and the fascia of the canopy would be treated with a band of vertical wood siding that coordinates with the existing siding on the building.

The following Guidelines were considered in the analysis of the project architecture.

"Name of Guidelines"	Comments
<i>Industrial Design Guidelines</i>	
II A1. Public Entrances and primary building elevations should face public streets	The proposed entrance canopy faces North Wolfe Road.
B5 Main entrances to the buildings shall be well defined.	The proposed entrance canopy provides a defined entrance to the building.

### **Landscaping:**

No trees are proposed for removal as part of this application; therefore, detailed information about the size of trees was not provided or requested. As a note, the site has about eight trees that are at or near the size of a protected tree (38 inches in circumference when measured at four feet from the ground). The plans for this project include preserving all of the trees, regardless of size.

A condition of approval requires that the applicant increase the number of parking lot trees along the north side of the lot and other opportune areas to increase shading and to replace trees that appear to have been removed over time.

**Parking/Circulation:** The parking areas are already developed on the project site. There is adequate parking available. The following table illustrates the parking calculation used to evaluate the proposed use.

	Use	Parking Rate	Parking Required
Project Building 170 N. Wolfe Road	Kennels (385)	1/14 attendees 1 per employee on maximum shift	28 10
	Office and Service Operations (10,080 s.f.)	1/500	21
	Retails (1,680 s.f.)	1/180	11
Second Building 180 N. Wolfe Road on site	Industrial (15,700 s.f.)	1/500	32
		<b>Total Spaces Required</b>	<b>102</b>
		<b>Total Spaces Provided</b>	<b>132</b>

**Art in Private Development:** The requirement for art in private development applies to project sites with two acres or more in area for all nonresidential development projects involving construction of new buildings or the expansion of existing buildings. Although the project site meets the size criteria of two acres, the project does not involve the development of or expansion of buildings. Therefore, no public art is required for this project.

**Compliance with Development Standards/Guidelines:** The project complies with all development standards except for the percentage of landscaping, the parking lot shading requirement and FAR. The site is developed and these conditions are existing. The site was developed under an earlier code, with a lower requirement for landscaping and shading. The applicant proposes to refurbish existing landscape areas that are currently not maintained, overgrown or dead. The applicant does not propose to remove any trees on the site. Staff has included a condition of approval that requires the applicant to submit a landscape plan for consideration by the Director of Community Development, to utilize water conserving plants, and to add shade trees in parking lot areas where opportunity exists.

**Expected Impact on the Surroundings:** Staff does not expect any impacts to the surrounding industrial area. The project does not require any additional parking than what is already provided on site. The use is not expected to significantly increase traffic. Since the nature of the business requires

customers to be on site only for drop off and pick up, there is no concern for exposure of sensitive receptors to the surrounding uses.

The project is located in an industrial area, and barking dogs and other animal noise will be less of a concern since industrial users are often noise producers. The applicant's noise study indicates that noise will not exceed adopted City standards. The applicant's attached letter dated June 26, 2006, also provides additional discussion regarding operational noise.

There was a similar project recently approved for 200 dogs on Commercial Street, also in an industrial area. In addition to veterinarians, who may provide boarding for a small number of pets at their offices, staff is aware of approximately 315 kennel or dog day care spaces that are approved in Sunnyvale. They are all located in industrial areas. The proposed use would add 350 additional kennel spaces.

The applicant apparently believes there is still a market for additional kennel space. To date, these uses have only been proposed and approved in industrial areas of Sunnyvale.

It should be noted that if the City Council has concerns about the compatibility of the proposed use within an industrial area, or regarding maintenance of the integrity of the industrial area, a condition of approval could be added limiting the initial duration of the Use Permit for a review period of two years or other amount deemed appropriate. The Planning Commission did not add this Condition of Approval. The applicant is opposed to approval with time limits for reconsideration due to the substantial investment in the project required to initiate business.

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### **Fiscal Impact**

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*Transportation Fee:* The proposed use would be required to pay a Transportation Impact Fee estimated at \$50,063.

No fiscal impacts other than normal fees and taxes are expected.

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### **Public Contact**

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In addition to the appeal letter, prior to the Planning Commission hearing, staff received one letter regarding concern about the traffic and animal litter with the proposed use (Attachment F). Staff believes the concerns of the writer have been addressed by the applicant (Attachment G).



<b>Notice of Negative Declaration and Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"> <li>• Published in the <i>Sun</i> newspaper</li> <li>• Posted on the site</li> <li>• 18 notices mailed to the property owners and residents within 300 ft. of the project site</li> </ul>	<ul style="list-style-type: none"> <li>• Posted on the City of Sunnyvale's Website</li> <li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li> </ul>	<ul style="list-style-type: none"> <li>• Posted on the City's official notice bulletin board</li> <li>• City of Sunnyvale's Website</li> </ul>

There was a Planning Commission hearing for the project on May 22, 2006. Testimony was taken, and the Commission approved the proposed kennel with conditions by a 4-1 vote. Planning Commission minutes are located in Attachment H.

## **Conclusion**

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**Discussion of the Appeal:** Staff agrees with the applicant that the project is appropriate in an industrial area as approved and conditioned by the Planning Commission. Staff believes that the project would have a minimal impact on allowable businesses in the M-S (Industrial and Service) Zoning District. The appellant's property line is approximately 130 feet from the proposed kennel building, and there is an industrial building (owned by the project's property owner) located between the proposed kennel site and the appellant's office building. The applicant provides a written response to the appeal in Attachment J.

**Findings and General Plan Goals:** Staff was able to make the required Findings based on the justifications for the Permit. Findings and General Plan Goals are located in Attachment A.

**Conditions of Approval:** Conditions of Approval are located in Attachment B.

## **Alternatives**

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1. Uphold the decision of the Planning Commission by Adopting the Negative Declaration and approving the Use Permit with attached conditions.
2. Adopt the Negative Declaration and approve the Use Permit with modified conditions.
3. Adopt the Negative Declaration and deny the Use Permit.

4. Do not adopt the Negative Declaration and direct staff as to where additional environmental analysis is required.

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**Recommendation**

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Alternative 1

Prepared by:

Gerri Caruso  
Project Planner

Reviewed by:

Trudi Ryan  
Planning Officer

Reviewed by:

Robert Paternoster  
Director of Community Development

Approved by:

Amy Chan  
City Manager

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Negative Declaration
- D. Site and Architectural Plans
- E. Project Description letter from the Applicant
- F. Letter from concerned neighbor
- G. Response letter from applicant
- H. Planning Commission minutes dated May 22, 2006
- I. Appeal letter dated June 5, 2006

J. Applicant's response to the appeal dated June 27, 2006

K. Applicant's Noise study conducted by HMMH dated January 16, 2006

## **Recommended Findings - Use Permit**

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Goals and Policies that relate to this project are:

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as noted below (*Finding met*) :

**Land Use and Transportation Element:**

*Policy C4.1: Maintain a diversity of commercial enterprises and industrial uses to sustain and bolster the local economy.*

*Action Statement C4.1.3: Promote commercial uses that respond to the current and future retail services needs of the community.*

*Policy N1.6: Safeguard industry's ability to operate effectively by limiting the establishment of incompatible uses in industrial areas.*

This project will bring a different type of commercial use to the City that is responding to an increasing need for animal care throughout the area. It is a business that is not overly represented within the City.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will impair either the orderly development of, or the existing uses being made of, adjacent properties (*Finding met*) as the proposed project is providing adequate parking and will not negatively impact surrounding industrial uses as it will have similar impacts as an industrial use.

**Recommended Conditions of Approval - Use Permit**

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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

**1. GENERAL CONDITIONS**

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- B. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- C. The Use Permit is for a kennel of a maximum of 335 dogs and a maximum of 50 cats and shall expire if the use is discontinued for a period of six months or more.
- D. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- E. Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Commission or City Council).
- F. Provide a written plan of how animal waste and litter will be disposed of including disposal of litter on adjacent streets or surrounding areas where animals are walked.
- G. Provide plan to provide a gate at the applicant's rear driveway (northern most driveway on San Lazaro Avenue) that shall be closed during business hours except in cases of emergency.

**2. DESIGN/EXTERIOR COLORS AND MATERIALS**

- A. Final exterior building materials and color scheme are subject to review and approval of the Director of Community Development prior to issuance of a building permit.

**3. FEES**

- A. Pay Traffic Impact fee estimated at \$50,063, prior to issuance of a Building Permit. (SMC 3.50)

**4. LANDSCAPING**

A. Landscape and irrigation plans shall be submitted to the Director of Community Development subject to approval by the Director of Community Development prior to issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy. The landscape plan shall include the following elements:

- Replace all trees that have been removed from the original landscape plan.
- Provide shade trees in all area where space permits the inclusion of a tree without reducing parking below that required for the use. **Modified by Planning Commission 5/22/06**
- Of new trees installed, 10% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- Refurbish all overgrown and dead landscape areas with water conserving plants.
- Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- All areas not required for parking, driveways or structures shall be landscaped.
- Provide large species native trees as appropriate for the site. **Added by Planning Commission 5/22/06**
- Work with staff to provide additional outdoor open space for employees to walk and relieve dogs. **Added by Planning Commission 5/22/06**

B. Provide separate meter for domestic and irrigation water systems.

C. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.

D. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices.

E. Any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.

F. For commercial and industrial projects, to ensure appropriate sewer billing (water used for irrigation may not be billed for sewer), the developer may provide separate (irrigation and other) intake meters. Such meters could be installed prior to occupancy of the building.

**5. TREE PRESERVATION**

- A. Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for approval.
- B. The tree protection plan shall be installed prior to issuance of any Building Permits, subject to the on-site inspection and approval by the City Arborist.
- C. The tree protection plan shall remain in place for the duration of construction.
- D. The tree protection plan shall include measures noted in Sunnyvale Municipal Code Section 19.94.120 and at a minimum:
  - 1. An inventory shall be taken of all existing trees on the plan including the valuation of all 'protected trees' by a certified arborist, using the latest version of the "Guide for Plant Appraisal" published by the International Society of Arboriculture (ISA).
  - 2. All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
  - 3. Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- E. Overlay Civil plans including utility lines to ensure that the tree root system is not damaged.

**6. LIGHTING**

- A. Prior to issuance of a Building Permit submit an exterior lighting plan for any planned fixtures, including fixture and pole designs, for approval by the Director of Community Development. Driveway and parking area lights shall include the following:
- B. Sodium vapor (of illumination with an equivalent energy savings).
- C. Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 18 feet on the interior of the project and 8 feet in height on the periphery of the project near residential uses.
- D. Provide photocells for on/off control of all security and area lights.
- E. All exterior security lights shall be equipped with vandal resistant covers.

- F. Wall packs shall not extend above the roof of the building.
- G. Lights shall have shields to prevent glare onto adjacent residential properties.
- H. Prior to issuance of a Building Permit submit a contour photometric plan for approval by the Director of Community Development. The plan shall meet the specifications noted in the Standard Development Requirements.
- I. Pole heights not to exceed 24 feet.

**7. BICYCLE PARKING**

- A. Provide 2 Class I bicycle parking spaces (per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development.

**8. RECYCLING AND SOLID WASTE**

- A. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for approval.
- B. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- C. The enclosure shall be of masonry construction and shall match the exterior design, materials and color of the main building.
- D. All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic.

**9. SIGNS**

- A. All existing/new signs require separate review and permits and shall be in conformance with Sunnyvale Municipal Code

**10. STORAGE**

- A. All unenclosed materials, equipment and/or supplies of any kind shall be maintained within an approved enclosed area. Any stacked or stored items shall not exceed the height of the enclosure.





PLANNING DIVISION  
CITY OF SUNNYVALE  
P.O. BOX 3707  
SUNNYVALE, CALIFORNIA 94088-3707

### NOTICE OF INTENT TO ADOPT NEGATIVE DECLARATION

This form is provided as a notification of an intent to adopt a Negative Declaration which has been prepared in compliance with the provisions of the California Environmental Quality Act of 1970, as amended, and Resolution #193-86.

#### PROJECT TITLE:

Application for a Use Permit by BARK Kennel & Boarding.

#### PROJECT DESCRIPTION AND LOCATION (APN):

2006-0357 – BARK Kennel & Boarding [Applicant] August M Jr. and Linda J Hagemann  
Trustee[Owner]: Application for a Use Permit on a 32,300 square foot site to allow long-term boarding and daycare services for up to 335 dogs and 50 cats and including ancillary retail services. The property is located at 170 North Wolfe Road (near Central Expwy) in an M-S (Industrial & Service) Zoning District. (APN: 205-43-023)

#### WHERE TO VIEW THIS DOCUMENT:

The **Negative Declaration**, its supporting documentation and details relating to the project are on file and available for review and comment in the Office of the Secretary of the Planning Commission, City Hall, 456 West Olive Avenue, Sunnyvale.

This **Negative Declaration** may be protested in writing by any person prior to 5:00 p.m. on **Monday, May 22, 2006**. Protest shall be filed in the Department of Community Development, 456 W. Olive Avenue, Sunnyvale and shall include a written statement specifying anticipated environmental effects which may be significant. A protest of a **Negative Declaration** will be considered by the adopting authority, whose action on the protest may be appealed.

#### HEARING INFORMATION:

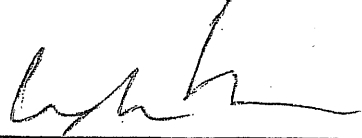
A public hearing on the project is scheduled for:

**Monday, May 22, 2006** at 8:00 p.m. in the Council Chambers, City Hall, 456 West Olive Avenue, Sunnyvale.

#### TOXIC SITE INFORMATION:

(No) listed toxic sites are present at the project location.

Circulated On May 1, 2006

Signed: 

Andrew Miner, Principal Planner



PLANNING DIVISION  
CITY OF SUNNYVALE  
P.O. BOX 3707  
SUNNYVALE, CALIFORNIA 94088-3707

ATTACHMENT C  
Page 2 of 22  
File Number: 2006-0357  
No. 06-09

## NEGATIVE DECLARATION

This **Negative Declaration** has been prepared in compliance with the provisions of the California Environmental Quality Act of 1970, as amended, and Resolution #193-86.

### PROJECT TITLE:

Application for a Use Permit by **BARK Kennel & Boarding**.

### PROJECT DESCRIPTION AND LOCATION (APN):

**2006-0357 – BARK Kennel & Boarding** [Applicant] **August M Jr. and Linda J Hagemann Trustee**[Owner]: Application for a Use Permit on a 32,300 square foot site to allow long-term boarding and daycare services for up to 335 dogs and 50 cats and including ancillary retail services. The property is located at **170 North Wolfe Road** (near Central Expwy) in an M-S (Industrial & Service) Zoning District. (APN: 205-43-023)

### FINDINGS:

The Director of Community Development of the City of Sunnyvale, California, hereby determines that an environmental impact report is not required. There are sufficient environmental controls incorporated into the zoning regulations to ensure no significant detrimental effect.

The above determination is based upon the initial study conducted in this matter, information provided by the applicant in an "Application for Environmental Finding" that is based on information provided by the applicant in an "Application for Environmental Clearance" and is based on the fact that the use is in keeping with not in conflict with the adopted General Plan, The Zoning Ordinance and the Subdivision Ordinance. That the use is specifically permitted by a Use Permit and that sufficient environmental controls are incorporated in the Zoning and Subdivision regulations as to ensure no significant detrimental effect. That site and architectural control will be exercised over the proposed development by the Planning Commission, City Council.

This **Negative Declaration** may be protested in writing by any person prior to 5:00 p.m. on **Monday, May 22, 2006**. Such protest shall be filed in the Department of Community Development, 456 W. Olive Avenue, Sunnyvale and shall include a written statement specifying anticipated environmental effects which may be significant. A protest of a Negative Declaration will be considered by the adopting authority, whose action on the protest may be appealed.

Circulated On May 1, 2006

Signed:   
Andrew Miner, Principal Planner

Adopted On \_\_\_\_\_

Verified: \_\_\_\_\_  
Andrew Miner, Principal Planner

E-13175



California Department of Fish and Game  
**CERTIFICATE OF FEE EXEMPTION**

De Minimis Impact Finding

**PROJECT TITLE/LOCATION (INCLUDE COUNTY):**

The Use Permit is located on 170 North Wolfe Road, City of Sunnyvale, County of Santa Clara in an in an M-S (Industrial & Service) Zoning District. (APN: 205-43-023)

**PROJECT DESCRIPTION:**

**2006-0357 – BARK Kennel & Boarding [Applicant] August M Jr. and Linda J Hagemann Trustee[Owner]:**  
Application on a 32,300 square foot site to allow long-term boarding and daycare services for up to 335 dogs and 50 cats and including ancillary retail services.

**FINDINGS OF EXEMPTION:**

1. This project is in an urban setting.
2. There is no alteration of land or effect on fish or wildlife.

**CERTIFICATION:**

I hereby certify that the public agency has made the above finding and that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

  
\_\_\_\_\_  
Andrew Miner

Title: Principal Planner, Community Development  
Lead Agency: City of Sunnyvale  
Date: May 1, 2006

DFG: 3/94  
Planner

E-13175

INITIAL STUDY  
City of Sunnyvale  
Department of Community Development  
Planning Division  
P.O. Box 3707  
Sunnyvale, CA 94088-3707

Project #:	2006-0357
Project Address:	170 N. Wolfe Road
Applicant:	BARK Kennel and Boarding

1. Project Title: Use Permit on a 32,300 square foot site to allow long-term boarding and daycare services for up to 335 dogs and 50 cats including ancillary retail services.
2. Lead Agency Name and Address: City of Sunnyvale, Community Development Department, Planning Division
3. Contact Person and Phone Number: Gerri Caruso (408) 730-7591
4. Project Location: 170 N. Wolfe Road, Sunnyvale, CA
5. Project Sponsor's Name and Address: Joel Leineke – Wag Hotels  
1759 Enterprise Blvd.  
W. Sacramento, CA 95691
6. General Plan Designation: Industrial
7. Zoning: MS Industrial and Service
8. Description of the Project: Use Permit on a 32,300 square foot site to allow long-term boarding and daycare services for up to 335 dogs and 50 cats including ancillary retail services. Project includes internal tenant improvements as well as minor exterior site upgrades to the building façade, parking lot and landscaping.
9. Surrounding Land Uses and Setting: (Briefly describe the project's surroundings)
 

North:	Central Expressway and Industrial
South:	Industrial
East:	Industrial
West:	Industrial
10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement): N/A

E-13175

Project #: 2006-0357  
Project Address: 170 N. Wolfe Road  
Applicant: BARK Kennel and Boarding

INITIAL STUDY ENVIRONMENTAL CHECKLIST

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Aesthetics             | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Hydrology/Water Quality       | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Air Quality            | <input type="checkbox"/> Land Use/Planning             | <input type="checkbox"/> Transportation/Traffic             |
| <input type="checkbox"/> Biological Resources   | <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Utilities/Service Systems          |
| <input type="checkbox"/> Cultural Resources     | <input type="checkbox"/> Noise                         | <input type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Geology/Soils          | <input type="checkbox"/> Population/Housing            |   |

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

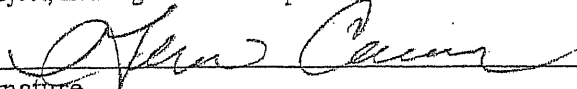
I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. X

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared. 0

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. 0

I find that the proposed project MAY have a "potential significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. 0

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required. 0

  
Signature

Date: April 25, 2006

Gerri Caruso, Principal Planner

Printed Name:

For: City of Sunnyvale

Project #: 2006-0357  
Project Address: 170 N. Wolfe Road  
Applicant: BARK Kennel and Boarding

INITIAL STUDY ENVIRONMENTAL CHECKLIST

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analysis," may be cross-referenced).
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.

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INITIAL STUDY ENVIRONMENTAL CHECKLIST

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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I. AESTHETICS. Would the project:

- |   |   |   |   |   |  |
|---|---|---|---|---|--|
| a. Have a substantial adverse effect on a scenic vista?   | 0 | 0 | 0 | X |  |
| b. Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? | 0 | 0 | 0 | X |  |
| c. Substantially degrade the existing visual character or quality of the site and its surroundings?   | 0 | 0 | 0 | X |  |
| d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?                                   | 0 | 0 | 0 | X |  |

II. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- |   |   |   |   |   |  |
|---|---|---|---|---|--|
| a. Conflict with or obstruct implementation of the applicable air quality plan?   | 0 | 0 | 0 | X |  |
| b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation.  | 0 | 0 | 0 | X |  |
| c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | 0 | 0 | 0 | X |  |
| d. Expose sensitive receptors to substantial pollutant concentrations?  | 0 | 0 | 0 | X |  |
| e. Create objectionable odors affecting a substantial number of people?   | 0 | 0 | 0 | X |  |

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III. BIOLOGICAL RESOURCES:

- a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?
- 0      - 0      0      X

- b. Have a substantially adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S Wildlife Service?
- 0      0      0      X

*Storm Water Runoff Guidance:*

Include aquatic and wetland habitats as part of the sensitive habitat review. Also evaluate adverse changes to sensitive habitats that favor the development of mosquitoes and other biting flies that may pose a threat to public health. Aquatic and wetland habitats such as those found near Stevens Creek, Calabazas Creek, Sunnyvale East Channel, Sunnyvale West Channel, El Camino Channel, Moffett Channel, Guadalupe Slough and the Baylands are considered sensitive habitat areas.

- c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- 0      0      0      X
- d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- 0      0      0      X
- e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- 0      0      0      X



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- f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?       $\theta$        $\theta$        $\theta$       X

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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IV. CULTURAL RESOURCES. Would the project:

- a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?       $\theta$        $\theta$        $\theta$       X
- b. Cause a substantial adverse change in the significance of an archaeological resources pursuant to Section 15064.5?       $\theta$        $\theta$        $\theta$       X
- c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?       $\theta$        $\theta$        $\theta$       X
- d. Disturb any human remains, including those interred outside of formal cemeteries?       $\theta$        $\theta$        $\theta$       X

V. LAND USE AND PLANNING. Would the project:

- a. Physically divide an established community?       $\theta$        $\theta$        $\theta$       X
- b. Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?       $\theta$        $\theta$        $\theta$       X
- c. Conflict with any applicable habitat conservation plan or natural communities conservation plan?       $\theta$        $\theta$        $\theta$       X

VI. MINERAL RESOURCES. Would the project:

- a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?       $\theta$        $\theta$        $\theta$       X
- b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?       $\theta$        $\theta$        $\theta$       X

VII. NOISE. Would the project result in:

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INITIAL STUDY ENVIRONMENTAL CHECKLIST

- |    |  |   |   |   |   |
|----|--|---|---|---|---|
| a. | Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | 0 | 0 | 0 | X |
| b. | Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?   | 0 | 0 | 0 | X |

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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- |    |   |   |   |   |   |
|----|---|---|---|---|---|
| c. | A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?               | 0 | 0 | 0 | X |
| d. | A substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | 0 | 0 | 0 | X |

VIII. POPULATION AND HOUSING. Would the project:

- |    |  |   |   |   |   |
|----|--|---|---|---|---|
| a. | Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | 0 | 0 | 0 | X |
| b. | Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?   | 0 | 0 | 0 | X |
| c. | Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?   | 0 | 0 | 0 | X |

IX. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- |    |                          |   |   |   |   |
|----|--------------------------|---|---|---|---|
| a. | Parks?                   | 0 | 0 | 0 | X |
| b. | Fire protection?         | 0 | 0 | 0 | X |
| c. | Schools?                 | 0 | 0 | 0 | X |
| d. | Other public facilities? | 0 | 0 | 0 | X |

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e. Police protection?

0 0 0 X

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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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X. MANDATORY FINDINGS OF SIGNIFICANCE

- |    |  |   |   |   |   |
|----|--|---|---|---|---|
| a. | Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | 0 | 0 | 0 | X |
| b. | Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects)?  | 0 | 0 | 0 | X |
| c. | Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?   | 0 | 0 | 0 | X |

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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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XI. GEOLOGY AND SOILS. Would the project:

- a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:
- (i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. 0 0 0 X
  - (ii) Strong seismic ground shaking? 0 0 0 X
  - (iii) Seismic-related ground failure, including liquefaction? 0 0 0 X
  - (iv) Landslides? 0 0 0 X
- b. Result in substantial soil erosion or the loss of topsoil? 0 0 0 X
- c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? 0 0 0 X
- d. Be located on expansive soil, as defined in Table 18-a-B of the Uniform Building Code (1994), creating substantial risks to life or property? 0 0 0 X
- e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? 0 0 0 X

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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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XII. UTILITIES AND SERVICE SYSTEMS: Would the project:

- |   |   |   |   |   |
|---|---|---|---|---|
| a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?   | 0 | 0 | 0 | X |
| b. Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?  | 0 | 0 | 0 | X |
| c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?   | 0 | 0 | 0 | X |
| d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?  | 0 | 0 | 0 | X |
| e. Result in a determination by the wastewater treatment provider that services or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | 0 | 0 | 0 | X |
| f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?  | 0 | 0 | 0 | X |
| g. Comply with federal, state, and local statutes and regulations related to solid waste?   | 0 | 0 | 0 | X |

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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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XIII. TRANSPORTATION/TRAFFIC. Would the project:

a. Cause an increase in the traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	0	0	0	X
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	0	0	0	X
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	0	0	0	X
d. Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	0	0	0	X
e. Result in inadequate emergency access?	0	0	0	X
f. Result in inadequate parking capacity?	0	0	0	X
g. Conflict with adopted policies or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	0	0	0	X

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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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XIV. HAZARDS AND HAZARDOUS MATERIALS. Would the project?

- |  |   |   |   |   |
|--|---|---|---|---|
| a. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?   | 0 | 0 | 0 | X |
| b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?   | 0 | 0 | 0 | X |
| c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?  | 0 | 0 | 0 | X |
| d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?                                    | 0 | 0 | 0 | X |
| e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | 0 | 0 | 0 | X |
| f. Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?   | 0 | 0 | 0 | X |
| g. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?   | 0 | 0 | 0 | X |

E-13175



Project #: 2006-0357

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## INITIAL STUDY ENVIRONMENTAL CHECKLIST

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
-----------------------------------	--------------------------------	--	------------------------------	-----------	--------

## XV. RECREATION

- |    |  |   |   |   |   |
|----|--|---|---|---|---|
| a. | Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | 0 | 0 | 0 | X |
| b. | Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?                       | 0 | 0 | 0 | X |

**XIX. AGRICULTURE RESOURCES:** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project?

- |    |   |   |   |   |   |
|----|---|---|---|---|---|
| a. | Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use? | 0 | 0 | 0 | X |
| b. | Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | 0 | 0 | 0 | X |
| c. | Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?  | 0 | 0 | 0 | X |

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Project #: 2006-0357

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## INITIAL STUDY ENVIRONMENTAL CHECKLIST

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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**XX. HYDROLOGY AND WATER QUALITY.** Would the project?

- |  |   |   |   |   |
|--|---|---|---|---|
| a. Violate any water quality standards or waste discharge requirements?  | 0 | 0 | 0 | X |
| (i.) Is the project tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, will it result in an increase in any pollutant for which the water body is already impaired? | 0 | 0 | 0 | X |
| (ii.) Will the proposed project cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?  | 0 | 0 | 0 | X |

*Storm Water Runoff Guidance:*

For example, projects that could increase pollutant discharges such as mercury, copper, nickel, sediment, organophosphate pesticides, PCBs, or other listed contaminants will need to address those impacts. Beneficial uses for Sunnyvale water bodies may include Cold Freshwater Habitat (e.g., Stevens Creek), Estuarine Habitat (e.g., Guadalupe Slough, north portions of Sunnyvale East and West Channels), Groundwater Recharge (e.g., Calabazas Creek and Stevens Creek), Preservation of Rare or Endangered Species (e.g., Stevens Creek, Baylands), Warm Freshwater Habitats and Wildlife Habitat (e.g., Sunnyvale East and West Channels).

- |   |   |   |   |   |
|---|---|---|---|---|
| b. Substantially degrade groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | 0 | 0 | 0 | X |
|---|---|---|---|---|

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INITIAL STUDY ENVIRONMENTAL CHECKLIST

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
<p>c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?</p> <p><i>Storm Water Runoff Guidance:</i> Evaluation of a project's effect on drainage patterns should refer to the final approved SCVURPPP Hydromodification Management Plan (HMP) where applicable, to assess the significance of altering existing drainage patterns and to develop any mitigation measures. The evaluation of hydromodification effects should also consider any potential for streambed or bank erosion downstream from the project. Areas that may be impacted within Sunnyvale include the storm water drainage area into Stevens Creek and the southern reach of Calabazas Creek between Homestead Road and Lawrence Expressway. Areas that drain into Sunnyvale East and West Channels and El Camino Channel have been proposed to be exempt from HMP requirements since they are artificial channels and the northern portions of Sunnyvale East and West Channels are under tidal influence.</p>	0	0	0	X	
<p>d. Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</p> <p>(i.) Will the proposed project result in increased impervious surfaces and associated increased runoff?</p> <p>(ii.) If so, does the project meet the NPDES permit's Group 1 or Group 2 criteria?</p> <p><i>Storm Water Runoff Guidance:</i> If applicable, document Best Management Practices in fulfillment of Provision C.3 requirements as CEQA mitigation measures.</p>	0	0	0	X	
	0	0	0	X	

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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
e. Otherwise substantially degrade water quality?	0	0	0	X	
(i.) Would the proposed project result in an increase in pollutant discharges to receiving waters?	0	0	0	X	
<i>Storm Water Runoff Guidance:</i> Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical storm water pollutants (e.g., heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash).					
(ii.) Does the project have the potential to result in a significant impact to surface water quality, marine, fresh, or wetland waters, or to groundwater quality?	0	0	0	X	
(iii.) Will the project result in avoiding creation of mosquito larval sources that would subsequently require chemical treatment to protect human and animal health?	0	0	0	X	
f. Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	0	0	0	X	
g. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	0	0	0	X	
h. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	0	0	0	X	
i. Inundation by seiche, tsunami, or mudflow?	0	0	0	X	

DISCUSSION OF IMPACTS THAT ARE LESS THAN SIGNIFICANT

Completed By: Gerri Caruso, Principal Planner

Date: April 25, 2006

## ENVIRONMENTAL CHECKLIST REFERENCE LIST

Note: All references are for the most recent version, as of the date the Initial Study was prepared.

**City of Sunnyvale General Plan:**

1. Map
2. Air Quality Sub-Element
3. Community Design Sub-Element
4. Community Participation Sub-Element
5. Cultural Arts Sub-Element
6. Executive Summary
7. Fire Services Sub-Element
8. Fiscal Sub-Element
9. Heritage Preservation Sub-Element
10. Housing & Community Revitalization Sub-Element
11. Land Use & Transportation Sub-Element
12. Law Enforcement Sub-Element
13. Legislative Management Sub-Element
14. Library Sub-Element
15. Noise Sub-Element
16. Open Space Sub-Element
17. Recreation Sub-Element
18. Safety & Seismic Safety Sub-Element
19. Sanitary Sewer System Sub-Element
20. Socio-Economic Sub-Element
21. Solid Waste Management Sub-Element
22. Support Services Sub-Element
23. Surface Run-off Sub-Element
24. Water Resources Sub-Element

**City of Sunnyvale Municipal Code:**

25. Chapter 10
26. Chapter 12.60 Storm Water Management
27. Chapter 19.18. Residential Zoning Districts
28. Chapter 19.20. Commercial Zoning Districts
29. Chapter 19.22. Industrial Zoning Districts
30. Chapter 19.24. Office Zoning Districts
31. Chapter 19.26. Combining Zoning Districts
32. Chapter 19.28. Downtown Specific Plan
33. Chapter 19.42. Operating Standards
34. Chapter 19.46. Off-Street Parking & Loading
35. Chapter 19.56. Solar Access
36. Chapter 19.66. Affordable Housing
37. Chapter 19.72. Conversion of Mobile Home Parks to Other Uses
38. Chapter 19.94. Tree Preservation
39. Chapter 19.96. Heritage Preservation

**Specific Plans:**

40. Downtown Specific Plan (SMC 19.28)
41. El Camino Real Precise Plan
42. Lockheed Site Master Use Permit
43. Moffett Field Comprehensive Use Plan
44. 101 & Lawrence Site Specific Plan
45. Southern Pacific Corridor Plan

**Environmental Impact Reports:**

46. Futures Study Environmental Impact Report
47. Lockheed Site Master Use Permit Environmental Impact Report
48. Tasman Corridor LRT Environmental Impact Study (supplemental)
49. Kaiser Permanente Medical Center Replacement Center Environmental Impact Report (City of Santa Clara)
50. Downtown Development Program Environmental Impact Report
51. Caribbean-Moffett Park Environmental Impact Report
52. Southern Pacific Corridor Plan Environmental Impact Report

**Maps:**

53. Zoning Map
54. City of Sunnyvale Aerial Maps
55. Flood Insurance Rate Maps (FEMA)
56. Santa Clara County Assessors Parcel
57. Utility Maps (50 scale)

**Lists / Inventories:**

58. Sunnyvale Cultural Resources Inventory List
59. Heritage Landmark Designation List
60. Santa Clara County Heritage Resource Inventory
61. Hazardous Waste & Substances Sites List (State of California)
62. List of Known Contaminants in Sunnyvale

**Legislation / Acts / Bills / Codes:**

63. Subdivision Map Act

## ENVIRONMENTAL CHECKLIST REFERENCE LIST

**Note:** All references are the most recent version as of the date the initial Study was prepared:

- 64. Uniform Fire Code, including amendments per SMC adoption
- 65. National Fire Code (National Fire Protection Association)
- 66. Title 19 California Administrative Code
- 67. California Assembly Bill 2185 / 2187 (Waters Bill)
- 68. California Assembly Bill 3777 (La Follette Bill)
- 69. Superfund Amendments & Reauthorization Act (SARA) Title III

**Transportation:**

- 70. California Department of Transportation Highway Design Manual
- 71. California Department of Transportation Traffic Manual
- 72. California Department of Transportation Standard Plan
- 73. California Department of Transportation Standard Specification
- 74. Institute of Transportation Engineers - Trip Generation
- 75. Institute of Transportation Engineers Transportation and Traffic Engineering Handbook
- 76. U.S. Dept. of Transportation Federal Highway Admin. Manual on Uniform Traffic Control Devices for Street and Highways
- 77. California Vehicle Code
- 78. Traffic Engineering Theory & Practice by L. J. Pagnataro
- 79. Santa Clara County Congestion Management Program and Technical Guidelines
- 80. Santa Clara County Transportation Agency Short Range Transit Plan
- 81. Santa Clara County Transportation Plan
- 82. Traffic Volume Studies, City of Sunnyvale Public works Department of Traffic Engineering Division
- 83. Santa Clara County Sub-Regional Deficiency Plan
- 84. Bicycle Plan

**Public Works:**

- 85. Standard Specifications and Details of the Department of Public Works

- 86. Storm Drain Master Plan
- 87. Sanitary Sewer Master Plan
- 88. Water Master Plan
- 89. Solid Waste Management Plan of Santa Clara County
- 90. Geotechnical Investigation Reports
- 91. Engineering Division Project Files
- 92. Subdivision and Parcel Map Files

**Miscellaneous:**

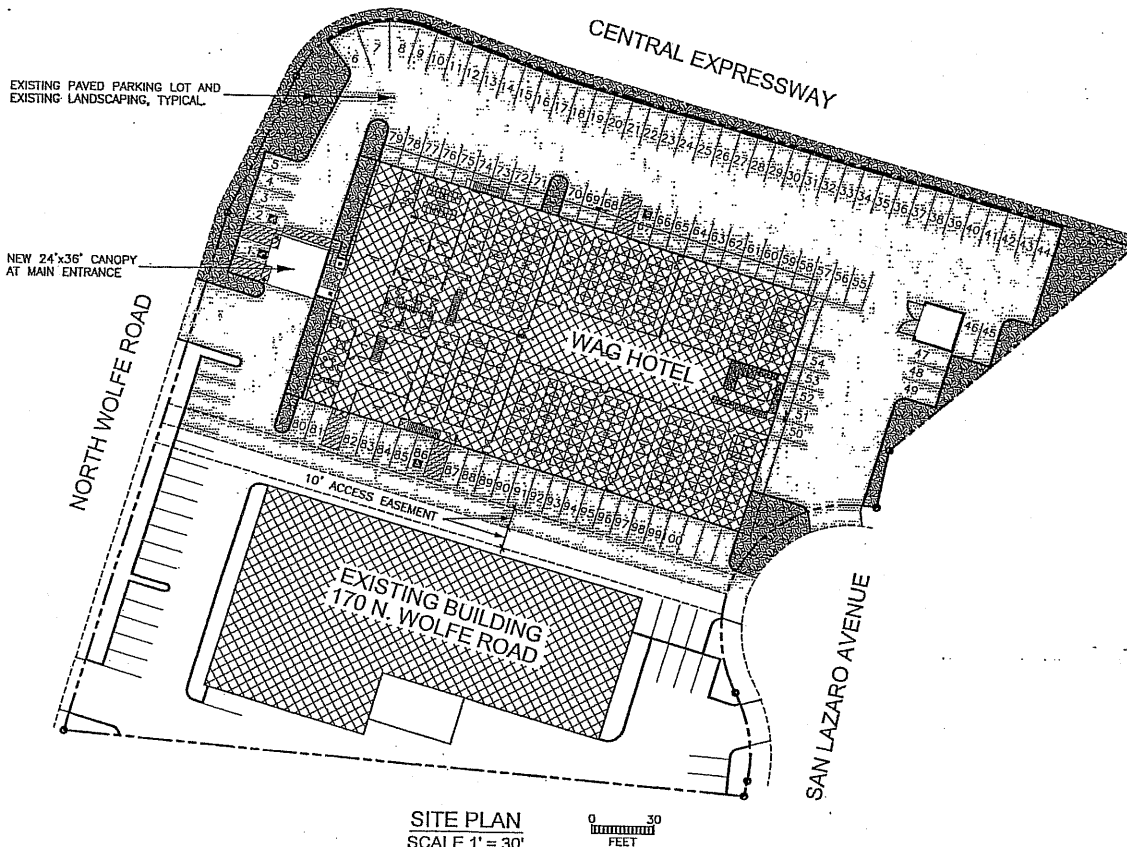
- 93. Field Inspection
- 94. Environmental Information Form
- 95. Annual Summary of Containment Excesses (BAAQMD)
- 96. Current Air Quality Data
- 97. Chemical Emergency Preparedness Program (EPA) Interim Document in 1985?
- 98. Association of Bay Area Governments (ABAG) Population Projections
- 99. Bay Area Clean Air Plan
- 100. City-wide Design Guidelines
- 101. Industrial Design Guidelines

**Building Safety:**

- 102. Uniform Building Code, Volume 1, (Including the California Building Code, Volume 1)
- 103. Uniform Building Code, Volume 2, (Including the California Building Code, Volume 2)
- 104. Uniform Plumbing Code, (Including the California Plumbing Code)
- 105. Uniform Mechanical Code, (Including the California Mechanical Code)
- 106. National Electrical Code (Including California Electrical Code)
- 107. Title 16 of the Sunnyvale Municipal Code

**Additional References:**

- 108. USFWS / CA Dept. F&G Special Status Lists
- 109. Project Traffic Impact Analysis
- 110. Project Description
- 111. Project Development Plans
- 112. Santa Clara County Airport Land Use Plan
- 113. Federal Aviation Administration
- 114. Site Map



NORTH

SITE PLAN  
SCALE 1" = 30'



### LEGAL DESCRIPTION

PARCEL ONE OF THE PARCEL MAP FILED JUNE 20, 1975  
IN BOOK 357 OF MAPS, PAGE 55, SANTA CLARA COUNTY RECORDS.  
ASSESSOR'S PARCEL NO. 205-43-23  
OTHERWISE KNOWN AS 180 N. WOLFE ROAD  
SUNNYVALE, CALIFORNIA 94086

# REMODELING FOR WAG PET HOTELS

180 N. WOLFE ROAD  
SUNNYVALE, CA

## INDEX TO DRAWINGS

1. SITE PLAN AND INDEX TO DRAWINGS
2. EXISTING FLOOR PLAN
3. EXISTING MEZZANINE FLOOR PLAN
4. REVISED FLOOR PLAN
5. BUILDING ELEVATIONS

### PROJECT DATA

1. WAG PET HOTELS WILL OCCUPY THE EXISTING BUILDING LOCATED AT 180 NORTH WOLFE ROAD, SUNNYVALE, CA 94086
2. ZONING: M-S
3. BUILDING CODE: 2001 CBC
4. BUILDING AREA:
 

MAIN FLOOR OFFICE/OPERATIONS AREA	49' X 120'	5,880 SF
MEZZANINE OFFICE AREA	49' X 120'	5,880 SF
TOTAL OFFICE AREA		11,760 SF
MAIN FLOOR WAREHOUSE (KENNELS) AREA	171' X 120'	20,520 SF
TOTAL BUILDING AREA		32,280 SF
5. BUILDING HEIGHT: 24'-0"
6. NUMBER OF STORIES: 2 (MEZZANINE OVER OFFICES)
7. TYPE OF CONSTRUCTION: V-N (SPRINKLERED)
8. OCCUPANCY GROUP: B
9. DESCRIPTION OF USE: BUSINESS (KENNELS AND SERVICES)
10. PARKING REQUIREMENTS:
 

GENERAL INDUSTRIAL, 1 SPACE PER 500 SF BUILDING  
PARKING SPACES REQUIRED 32,280 SF/500 = 65  
PARKING SPACES ALLOCATED TO THIS PROPERTY = 100  
HANDICAP SPACES REQUIRED (INCLUDING 1 VAN ACCESSIBLE) = 4
11. LOT AREA: AS LISTED SUNNYVALE ON-LINE SERVICES 112,385 SF
12. THE BUILDING EXTERIOR WILL REMAIN UNCHANGED EXCEPT FOR THE ADDITION OF A CANOPY OVER THE DRIVEWAY AT THE MAIN ENTRANCE.
13. THE SITE WILL ALSO REMAIN UNCHANGED; PAVING, LANDSCAPING, TREES, ETC.
14. INTERIOR RENOVATIONS ARE AS SHOWN ON THE NEW FLOOR PLAN. PROVIDE KENNELS AND SUITES FOR DOMESTIC ANIMALS, DOGS AND CATS. INCLUDES EXERCISE AREAS, FEEDING AND GROOMING FACILITIES, SALES OF PET RELATED ITEMS, AND OFFICE SPACE FOR STAFF.

Page 1 of 5  
ATTACHMENT 2

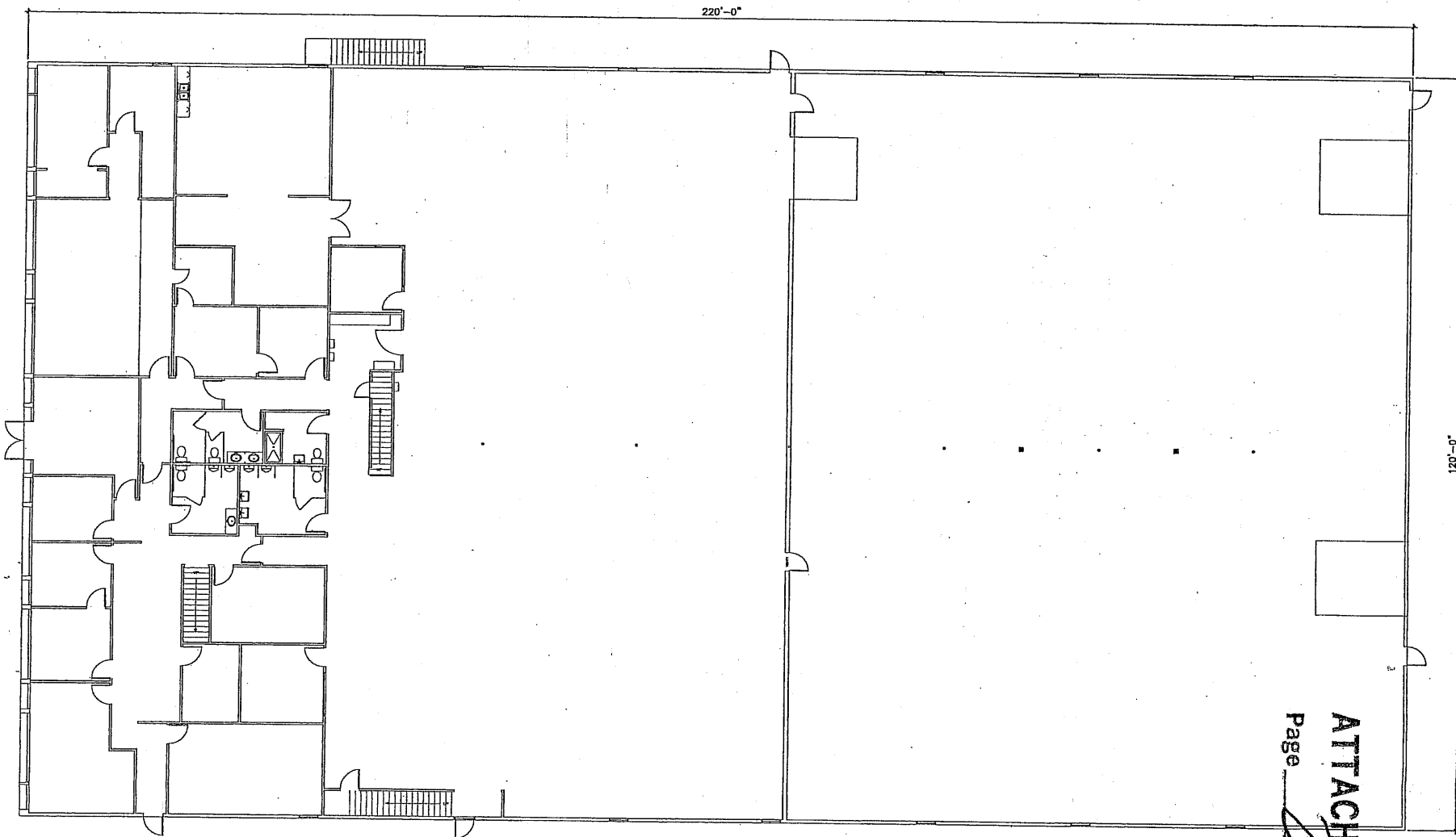
PROPOSED FACILITY FOR WAG PET HOTELS  
180 NORTH WOLFE ROAD  
SUNNYVALE, CA 94086

1729 Enterprise Blvd.  
West Sacramento, CA 95691  
(916) 924-5483  
www.waghotels.com

WAG  
PET HOTELS

DRAWN BY L.P.  
02-27-2006

SITE PLAN &  
DRAWING INDEX  
1  
OF 5



EXISTING FLOOR PLAN  
SCALE 1/8" = 1'-0"



ATTACHMENT D  
Page 2 of 5

PROPOSED FACILITY FOR WG PET HOTELS  
180 NORTH WOLFE ROAD  
SUNNYVALE, CALIFORNIA 94086

1759 Enterprise Blvd.  
West Sacramento, CA 95691  
(916) 924-3463  
www.wghotels.com

WAG  
PET HOTELS

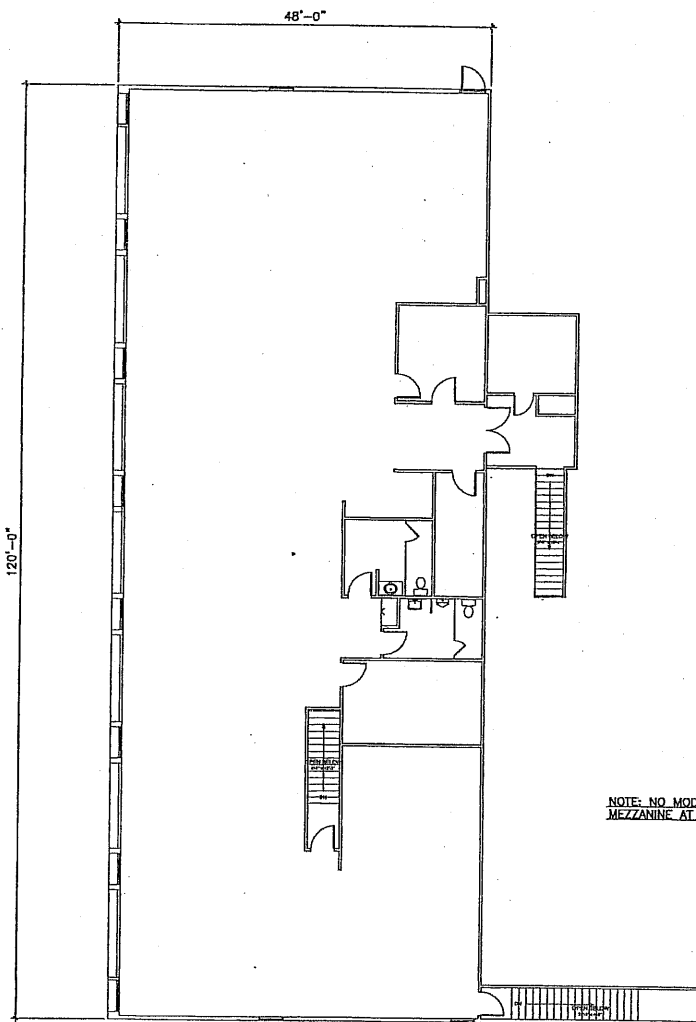
DRAWN BY L.P.  
02-27-2006

EXISTING  
FLOOR PLAN

DRAWING NO.  
2  
OF 5

THESE DRAWINGS ARE THE PROPERTY OF WG PET HOTELS AND MAY BE COPIED OR REPRODUCED IN PART OR IN WHOLE WITHOUT THE WRITTEN APPROVAL OF WG PET HOTELS.





NOTE: NO MODIFICATIONS ARE PLANNED FOR THE MEZZANINE AT THIS TIME. TO REMAIN "AS IS".



EXISTING MEZZANINE FLOOR PLAN  
SCALE 1/8" = 1'-0"



ATTACHMENT D  
Page 3 of 5

**WAG**  
PET HOTELS

1755 Enterprise Blvd.  
West Sacramento, CA 95691  
(916) 924-5463  
www.waghotels.com

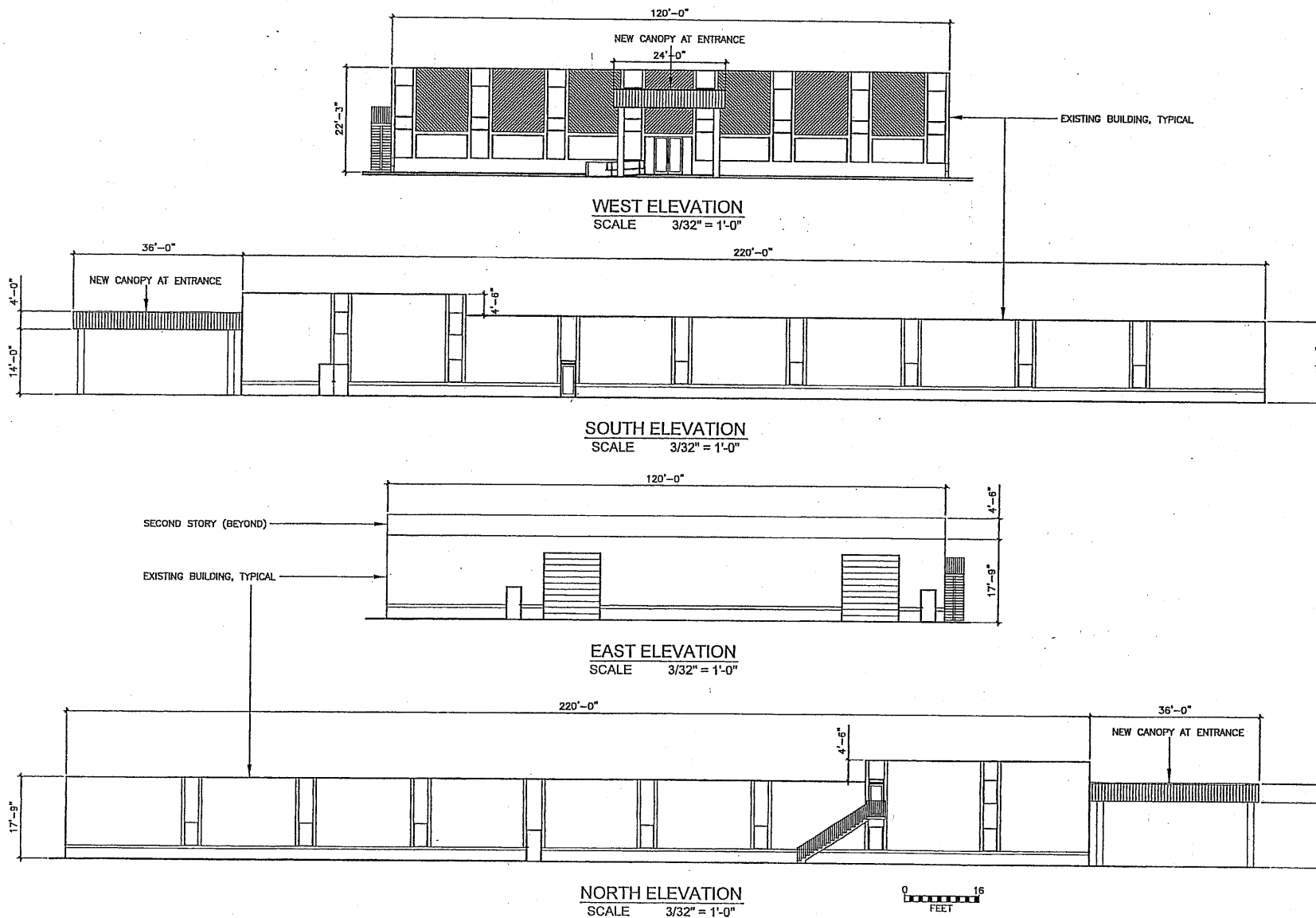
DRAWN BY L.P.  
02-27-2006

EXISTING MEZZANINE  
FLOOR PLAN

DRAWING NO.  
3  
OF 5

PROPOSED FACILITY FOR WG PET HOTELS  
180 NORTH WOLFE ROAD  
SUNNYVALE, CALIFORNIA 94086





ATTACHMENT D  
 Page 5 of 5

PROPOSED FACILITY FOR WG PET HOTELS 180 NORTH WOLFE ROAD SUNNYVALE, CA 94086		1759 Enterprise Blvd. West Sacramento, CA 95691 (888) 924-5463 <a href="http://www.wgpethotels.com">www.wgpethotels.com</a>	<b>WAG PET HOTELS</b> <small>THESE DRAWINGS ARE THE PROPERTY OF WG PET HOTELS AND MAY NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN APPROVAL OF WG PET HOTELS.</small>	DRAWN BY L.P. 02-27-2006	BUILDING ELEVATIONS DRAWING NO. 5 OF 5
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**Description of Project:**

Wag Pet Hotels proposes to occupy the existing building located at 180 North Wolfe Road, Sunnyvale, CA 94086 for the purpose of providing boarding and services for canine and feline pets. Interior remodeling and improvements are proposed as required to kennel up to 335 dogs and approximately 50 cats at maximum capacity. The facility will also provide interior space to exercise the animals as well as for feeding, grooming, and some retail sales of pet supplies. The proposed use of the facility is in compliance with the Sunnyvale Municipal Code and as allowed by M-S zoning of the property.

**Legal Description of Property:**

Parcel One of the parcel Map filed June 20, 1975 in book 357 of maps, page 55, Santa Clara County Records. Assessor's Parcel Number 205-43-23, otherwise known as 180 N. Wolfe Road Sunnyvale, CA 94086.

**T.J. Hoffman LLC**

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1561 Morton Avenue  
Los Altos, CA 94024  
408-739-6580

May 16, 2006

Planning Division  
City of Sunnyvale  
P.O. Box 3707  
Sunnyvale, CA 94088-3707

**SUBJECT: Public Notice File Number 2006-0357 (APN: 205-43-023)**

To Whom It May Concern:

I have talked to Mr. Joel Leineke, the President of Wag Hotels, regarding the concerns I have about the above mentioned public notice. My concerns involve the traffic flow issues on San Lazaro Avenue, as well as the messes left behind due to people walking the dogs and failing to clean up after them. Mr. Leineke has sent me a letter, assuring me that these concerns will be addressed. I am attaching a copy of the letter that he sent. As long as the traffic is routed though North Wolfe Road, instead of San Lazaro Avenue, and the dogs are not walked on San Lazaro Avenue, I do not have a problem with the potential new neighbors.

There was also a printing error on the Public Notice that I received, it lists the discussed location as 170 North Wolfe Road, when it is actually 180 North Wolfe Road.

Sincerely,

*Tom Hoffman* (signed for by: Lori Logness)

Tom Hoffman  
President

Enclosure

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ATTACHMENT GPage 1 of 1

May 12, 2006

RM Hoffman Company  
Attn.: Tom Hoffman  
159 San Lazaro Avenue  
Sunnyvale, CA 94086

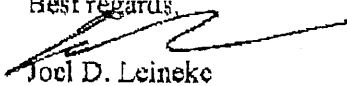
RE: 180 North Wolfe Road  
Sunnyvale

Tom,

It was a pleasure speaking with you yesterday afternoon. I completely understand your concerns and those of the neighbors you expressed. As I mentioned, we are happy to deal with potential traffic flow issues on San Lazaro by installing some type of fence or gate. I understand that you are not bothered by our staff using San Lazaro as an access and I appreciate that. Once we begin design I will work with our architect to come up with a plan and will be happy to share it with you at that time. Of course anything we propose to install will be subject to the landlord's approval but I would expect them to see the positive benefits as well.

Should you have any further questions, please do not hesitate to contact me. I will be at the public hearing on the 22<sup>nd</sup> if you attend I look forward to meeting you then. If not, I will stop by the next time I am at the property.

Best regards,

  
Joel D. Leineke  
President

**PLANNING COMMISSION MINUTES OF May 22, 2006**

**2006-0357 – BARK Kennel & Boarding [Applicant] August M Jr. and Linda J Hagemann Trustee [Owner]:** Application for a Use Permit on a 32,300 square foot site to allow long-term boarding and daycare services for up to 335 dogs and 50 cats and including ancillary retail services. The property is located at **180 North Wolfe Road** (near Central Expwy) in an M-S (Industrial & Service) Zoning District. (Negative Declaration) (APN: 205-43-023) GC

**Gerri Caruso**, Principal Planner, presented the staff report. She said staff considers the use appropriate for the area and recommends approval subject to the conditions of approval. She added that staff received a letter today, from a neighbor objecting to the use and that a copies of the letter have been provided on the dais. She said the author of the letter is in the audience and will speak during the public hearing.

**Comm. Klein** commented that the entrance on San Lazaro Avenue is closed off and asked staff to comment about the traffic flow for the proposed site. Ms. Caruso said there are three driveways for the site and the proposal is to keep two of them open. Comm. Klein asked about a discrepancy in the site address with one of the attachments referencing 180 N. Wolfe Road and the report referencing 170 N. Wolfe Road. Ms. Caruso said a revised notice was sent to the mailing group, but explained that both addresses are on the same lot confirming that 180 N. Wolfe Road is the correct building for the project. Comm. Klein asked for staff's opinion on leaving the external doors open during the daytime. Ms. Caruso said from the description provided by the applicant, staff was not aware that the roll up doors would be left open and staff's assessment is based on the doors being closed. She said the applicant is present at this hearing and has more information about the noise analysis.

**Comm. Babcock** confirmed that there are two buildings on the site, that this proposed use is for only one building, and asked what use is in the other building. Ms. Caruso said it is light industrial. Comm. Babcock confirmed with staff that the building with light industrial was the only buffer between the proposed site and the neighbor that opposes the proposed use. Comm. Babcock said she saw no mention in the report of an outdoor exercise area and said that the letter on the dais says pet owners can request periodic outdoor walks for their pets. Ms. Caruso said there is an indoor exercise area and clients can request their pets be walked on the surrounding streets. The kennel owners would be responsible for clean up. Comm. Babcock said she did not see noise issues addressed in the declaration. Ms. Caruso said the applicant provided information that noise readings were taken in a similar situation and the readings were below the maximum levels. Comm. Babcock asked if the noise levels could be measured at any similar businesses that are currently operating. Ms. Caruso said

there is a smaller kennel on Mathilda, but it would not provide an adequate comparison. Ms. Caruso said staff did not include the color photographs that came with the application and said that there are a number of indoor suites that are rooms with sliding glass doors that could mitigate some of the noise.

**Chair Hungerford** said that this site is in an M-S Industrial Service Zone and asked if this use is a permitted use or a conditional use. Ms. Caruso said it would be a conditional use. Chair Hungerford said the proposal for 335 dogs and 50 cats which sounds like a lot under one roof. He said the sound partitioned rooms could be helpful. He asked about other regulations for this type of facility. Ms. Caruso says the applicant operates a similar facility in the Sacramento area and that the applicant could address this question.

**Comm. Simons** asked what the allowable noise level would be at the lot line. Ms. Caruso that 75 decibels is allowed at the property line. Comm. Simons asked what the City would do if the noise levels were consistently in excess for a use that has been allowed. Ms. Caruso said the permit could be revoked if the noise levels exceed the allowable levels. Comm. Simons referenced the letter from the neighbor that said the noise levels at the Humane Society were 83.7% decibels. Comm. Simons confirmed with staff that the process would be to contact Neighborhood Preservation to handle the code violation. **Trudi Ryan**, Planning Officer, commented that if the situation was not corrected that the City could hold revocation hearings.

**Chair Hungerford opened the public hearing.**

**Joel Leineke**, with Wag Hotels, thanked staff for the report and said the application process went smoothly. He said they really are a hotel and not a kennel as this will be a first class facility. He said about \$2 million will be put into improvements to the building to bring it up to their standards. He said that they set out to address a level of care that is not currently present in the animal care industry by addressing the animal owner's concern for quality of care. He said the three primary concerns about this type of facility are noise, waste, and odor. He said they have learned a number of lessons from their Sacramento facility. He discussed the number of dogs and the boarding rooms. Mr. Leineke addressed the noise issue stating that this is a concrete building, that the roll up doors at this facility will primarily remain closed, and said that this building, which is completely enclosed, is different from the Humane Society. He said the noise levels were measured at the Sacramento facility during the full 2005 Christmas weekend when the surrounding ambient noise levels were low. He said the maximum noise level was 62 decibels and the inside noise for employees was at 81 to 83 decibels which is below the levels required by OSHA. Mr. Leineke addressed the odor concern and said that they have had comments from visitors, i.e. veterinary and animal staff from U.C. Davis, and they said that this is the nicest, cleanest facility they have encountered. He said they use a fresh air exchange system, bag the solid waste and dispose of it, and epoxy coat the



concrete floors so odors do not creep in. He said they are a good neighbor concerning traffic flow, as they are staffed 24 hours a day and most of the traffic arrives Friday evening and Sunday evening so they would not generally impact traffic flows in the neighborhood. He said they require the pets that stay with them to pass a personality profile and require that the animals need to be able to get along and play well with others. He explained the indoor exercise that the animals get and said that some owners request their dogs be walked which would be in the immediate neighborhood. He said he has talked to the neighbor, the Hoffman Co., to help address the traffic flow and pet walking concerns.

**Comm. Simons** asked the applicant to address kennel cough. Mr. Leineke said kennel cough is similar to the human cold and Wag Hotel requires all dogs to have their shots before they can stay at the hotel. Comm. Simons asked what the cost per day per dog would run. Mr. Leineke said that the pricing is still being determined, but in the Sacramento area the day rate runs between \$30 to \$65 per night. He said the basic level of care for pets at Wag Hotel is that they are fed and exercised twice a day, and if they are on any medications they provide that. He said that other kennels charge extra for the services that are basic at Wag Hotel. Comm. Simons confirmed with the applicant that the noise report from the Sacramento facility would be submitted for the record.

**Comm. Klein** asked where the roll up doors would be used. Mr. Leineke said the existing roll up doors would be used while they are building the facility and for moving things in and out. He said they do not intend to have them open during the normal course of business as they would not want to have pets escaping from the building.

**Chair Hungerford** asked how many employees are anticipated. He said there would probably be 12 to 15 employees working at a time with one or two working the graveyard shift. He said the graveyard staff does some cleaning and prepares for the morning feeding. Chair Hungerford asked about the air exchange system in the building. Mr. Leineke said there is a 100% air exchange, 12 times an hour, which is the standard health code for an animal care facility.

**Tom Haverstock** said he works in a business that is two doors down from the proposed site. He said his business selected this building for several reasons including the noise levels of the neighborhood, as the type of work they engage in is Intellectual Property Law, which requires an environment that needs minimal external distractions. He said the traffic noise in the area is a steady background drone, but barking is sharp, short repetitive sounds. He said they have a staff of about 20 people on site and their product is their time that they sell to their clients, which needs to be efficient and not distracted. He said if the neighboring noise were distracting, they would be unable to efficiently do their work. He referred to the letter that he submitted and said his company has enjoyed working in Sunnyvale and he hopes that continues. He said he has no objection to a kennel being brought into Sunnyvale and he has no issues with Mr. Leineke

or the Wag Hotel other than he feels that this is the wrong neighborhood for this type of use.

**Comm. Simons** confirmed with staff that the zoning in this area is industrial and that the noise level maximum allowed in industrial is 75 decibels at the lot line. Ms. Caruso said that an industrial user could move into this site as a matter of right and operate within the decibel standard without coming to a public hearing. Comm. Simons commented to Mr. Haverstock that industrial uses could exist on this site and by right of use could have noise levels up to the 75 decibel level. Mr. Haverstock said his concern is the type of noise, with the steady drone type, i.e. traffic versus the short, sharp, intermittent noises, i.e. barking. Mr. Haverstock said with possibly 400 animals in this facility, even though Wag Hotel has taken steps to mitigate the noise and odor, that there will still be noise and odor. Comm. Simons asked staff if the City has any smell requirements. Ms. Caruso said there are none specific in the code, but if smell became a nuisance there are provisions in the code to address the nuisance and that several departments would probably be involved to attempt to mitigate the situation, or possibly revoke the permit.

**Comm. Klein** discussed with Mr. Haverstock the existing types of uses surrounding his business. Mr. Haverstock said there has not been a noise issue with any of the current uses, including the veterinary clinic, but that the veterinary clinic does not keep more than 10 dogs overnight at a time. Comm. Klein confirmed with Mr. Haverstock that there is currently noise from the existing neighbors and that he would expect some additional noise from any new neighbor.

**Mary Wimmer**, the agent representing Mr. Leineke, spoke in support of the WAG Hotels proposal. She said when they started searching for a site they looked for a freestanding building so they would not have to worry about neighbors. She said this building is a good site as it is a freestanding concrete building, with one tenant on the right with space in between and no one on the left and it is in a good location with easy access. She said the 355 dogs and 50 cats would be the maximum and not the daily norm. Ms. Wimmer said she visited the facility in Sacramento, that it is as clean as a hospital, and like this proposal, is very impressive. She said that the dogs are contained inside the building, and the amenities and the way the animals are treated, along with the plans in place, address the issues. She said she thinks this use would be good on this site and would be a good addition for Sunnyvale and for Silicon Valley.

**Bill Nippes**, business owner of B2 Perfection and neighbor to the proposed site, said that when he moved into this facility that he was required to put in a lot of landscaping in as part of the conditions. He said he is concerned about the landscaping outside his business if the dogs being walked use his nice landscaping for elimination. He would like to know what the hotel will be doing for landscaping and what will be done to protect his landscaping.

**Chair Hungerford** asked Mr. Nippes what type of business he owns. Mr. Nippes said he owns a body and paint shop. Chair Hungerford asked if noise levels have ever been measured at the property line of his site. He said the City came by, but there has never been enough noise from the business to require decibel readings. Chair Hungerford asked if there were paint smells from the business. Mr. Nippes said that the odors are controlled with filters and they meet all the Air Resources Board requirements.

**Mr. Leineke** commented that in the Sacramento their facility shares a common wall with a neighbor and that they have been no complaints from the neighbor with regard to sound or odor. He said concerning odor, they bag the solids and flush the liquids down the sewer. He said they pride themselves on no odor inside or outside their facility. He said in perspective regarding sound that included in the appendix to the sound report, that the sound was tracked over a 24-hour period and that the passing of diesel trucks were louder decibels than barking dogs.

**Comm. Simons** asked staff about landscaping requirements, parking lot shading requirements and performance standards, and tree plantings. Ms. Caruso said currently in front of building there are healthy large mature trees. She said on the north property line there are some larger trees and some missing trees that will need to be replaced and that possibly in the back of the site some trees could be added. She said all of the ground cover on the site needs to be refurbished and that the landscaping requirements are for replacement of what used to be there and making what is there, healthy. Ms. Ryan referred to Attachment B, Condition of Approval 4 (COAs) that indicates that shade trees can be provided without loss of parking and said alternatively that the Commission could request that some of the parking spaces be removed to add more landscaping provided the parking does not go below the parking requirements.

**Comm. Klein** asked staff about the parking and if the 132 parking spaces were based on the use or on the square footage of the industrial building. Ms. Caruso said the parking is based on the square footage of the neighboring building and based on the same rate as a preschool, considering the number of attendees and of employees on site, the retail and the ancillary spaces. She said based on the applicant statement that their might be 15 employees working at one time then 107 parking spaces would be required leaving some space on the site for additional landscape pockets to be placed on the applicant's portion of the site. Comm. Klein referred to Attachment D page 1 and indicated some areas that might be appropriate for additional landscaping. Comm. Klein asked the applicant where Wag Hotel employees would be walking the dogs. Mr. Leineke said at the Sacramento facility the dogs are walked in front of and around the Wag Hotel facility. He said they also converted a loading dock into a "park" with Astroturf to allow the dogs to eliminate and then they would walk the dogs around the site. He said they could do something similar at this site. Mr. Leineke said

one of the comments in the staff report was a possible time limit on the how long the use permit would be allowed. He asked the Commission to not put a time limit on the use permit due to the sizeable improvement costs being done, as there would not be time to recoup their investment if the use permit was limited.

**Chair Hungerford** closed the public hearing.

**Comm. Simons** moved Alternative 2 to adopt the Negative Declaration and approve the Use Permit with modified conditions: to modify COA 4.A, the third bullet, by adding the language "large species native trees as appropriate for the site"; to add a new bullet under COA 4.A that staff would increase the parking lot shading plan goal by removing existing parking to allow for more shading while maintaining the amount of required parking. **Comm. Klein** seconded.

**Comm. Klein** offered a friendly amendment that the new bullet proposed under COA 4.A by **Comm. Simons** also include that staff and the applicant work together to determine a location on the site for additional open space for an outdoor area for employees to take dogs and cats, the area to be maintained by the applicant. The friendly amendment was acceptable to the maker of the motion.

**Comm. Simons** said his only concern is that whenever there is a problem or nuisance that is not measurable, i.e. smell, that he is hoping that staff would be working with the inconvenienced neighbors. He said the noise issues are measurable and he realizes there is a difference in intermittent and drone noises, but the City noise requirements do not deal with these differences. He said possibly a business owner has a recommendation for a study issue in the future to deal with these differences. He said he will be supporting of this motion.

**Comm. Klein** said he would be supporting the motion. He said the applicant is trying to improve the site by providing a quality pet care facility. He said the applicant is looking at and trying to deal with the issues and he is glad to see that the neighbors and the applicant are discussing the issues. He said he is a dog owner and possibly sometime his dog will get a chance to stay at the facility.

**Chair Hungerford** said he would not be supporting the motion. He said what is being voted on is a conditional use permit and that this use is not authorized in the zone as a permitted use, but can be allowed if it meets certain requirements. He referred to Attachment A.1 and said one of the requirements is "Policy N1.6: Safeguard industry's ability to operate effectively by limiting the establishment of incompatible uses in industrial areas." He said that given what has been heard at this hearing that it seems that site with up to 355 dogs and 50 cats is not a compatible use for this particular neighborhood.

**ACTION:** Comm. Simons made a motion on 2006-0357 to adopt the Negative Declaration and approve the Use Permit with modified conditions: to modify Condition of Approval (COA) 4.A, the third bullet, by adding the language "large species native trees as appropriate for the site"; to add a new bullet under COA 4.A that staff would increase the parking lot shading plan goal by removing existing parking to allow for more shading while maintaining the amount of required parking and to include that staff and the applicant work together to determine a location on the site for additional open space for an outdoor area for employees to take dogs and cats, the area to be maintained by the applicant. Comm. Klein seconded. Motion carried, 4-1, Chair Hungerford dissenting.

**APPEAL OPTIONS:** This item is appealable to City Council no later than June 6, 2006.